

NEW MOTOR VEHICLE BOARD

Sections Affected in Title 13: 550, 551.8, 551.12 and 590

Justification for Changes without Regulatory Effect:

The New Motor Vehicle Board (“Board”) reviewed its regulations and determined that all references to Article 6 of the Vehicle Code (Sections 3085 et al.) must be removed due to Article 6 being repealed as of January 1, 2019. Due to the fact that there will be no legislation that will be enacted before January 1, 2019, extending the effective date, Article 6 will be repealed and all references to the related Vehicle Code sections must be removed.

These regulatory changes qualify as Title 1, CCR, section 100 changes because they do “...not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision” due to the repeal of all statutory authority for association protests. The proposed regulatory changes are consistent with, and necessitated by, the changed statute and the Board has no discretion to adopt any changes which differ in substance from the ones chosen.

Section 550 includes definitions. This section is updated to remove all references to protests and protestants of Vehicle Code section 3085 protests. The Reference section is also updated to remove Vehicle Code section 3085.

Section 551.8 describes dismissal of petitions, appeals and protests in subsection (e). This subsection is updated to remove the reference to Vehicle Code section 3085.4 in the text and Vehicle Code section 3085.2 in the reference section.

Section 551.12¹ deletes references to Vehicle Code sections 3050(e) as well as 3085.2(a) in relation to peremptory challenges of assigned administrative law judges. It also removes reference to Vehicle Code section 3085.2(a) in the text and in the authority cited. Section 551.12 deletes the reference to Vehicle Code section 3050(e) because subdivision (e) previously referenced protests filed pursuant to Vehicle Code section 3085. Article 6, including Vehicle Code section 3085, was repealed as of January 1, 2019, and the language in subdivision (e) was deleted from section 3050 pursuant to Stats. 2015, ch. 526, sec. 3, operative January 1, 2019. The current text of Section 3050(e) is what was previously Section 3050(f) and is no longer relevant to peremptory challenges. Therefore, the reference to Vehicle Code section 3050(e) must be removed.

Section 590 is updated to remove references to Vehicle Code section 3085 in the text regarding hearings by the Board. Section 3085.2 is also removed from the reference section.

¹ Title 13, CCR, section 551.12 was amended by substantive rulemaking earlier this year. Such rulemaking was approved and will become effective January 1, 2019. The regulatory language provided in the proposed text is the text that was approved and will become effective January 1, 2019.